



**Planning Board
Town of Westford**
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Preliminary Staff Notes

Date: January 17, 2015
To: Planning Board
From: Chris Kluchman, Director of Land Use Management and Jeffrey
Morrissette, Town Planner
Planning Board Hearing #1 January 21, 2015

Application Information: PB 1504 SPR SP MCP SP WRPOD and SWM
Applicant: Douglas C. Deschenes, Esquire, on behalf of Newport Materials, LLC and
540 Groton Road LLC
Property Location: 20 Commerce Way / previously known as 540 Groton Road
Map and Parcel: Map 048 Parcel 0011 Lots 0234, 0248 and 0249 (possible Map 048
Parcel 0011 Lot 0250)
Lot Size: 115.52 acres
Existing Zoning: Industrial A (IA)
Adjacent Zoning and Uses: Industrial A (IA), Concrete Plant, Fletcher Quarry, Town owned
conservation land

BACKGROUND

1. In 2009 – 2010 the Planning Board considered applications from the applicants to construct an asphalt manufacturing facility at 540 Groton Road. The Board held 21 hearings over the course of a year and in April 2010 denied the Site Plan Review and two Special Permit applications on the basis that the proposed plant did not qualify as a Light Manufacturing Use in accordance with the definition in the Zoning Bylaw (Section 10.2). That denial was appealed by the applicants, and following 4 years of litigation at Land Court, including a 3 day trial in November 2013, a Decision was issued that sent the case back to the Planning Board.
2. Therefore, the current applications are being considered by the Planning Board on “remand” from Land Court in accordance with the Court’s decision for the case Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867 (Decision). In that Decision, Judge Sands directs that “... *the Board’s assessment of any such resubmitted plans shall be made in accordance with the findings and rulings contained in this decision.*” (Sands, page 32). Therefore, the December 8, 2014 Court Decision and the subsequent January 6, 2015 Order are incorporated into the Planning Board’s record.
3. Under this Court Decision, the applicants were directed to resubmit applications for Site Plan Review (SPR), Special Permit for Major Commercial Project (SP MCP) and Special Permit for Water Resource Protection Overlay District (SP WRPOD). In addition, the applicants filed for a Stormwater Management Permit (SWM) under General Bylaw 147 and the Planning Board’s Rules and Regulations. The applicants also submitted Variance application to the Board of Appeals for multiple principal uses on one site, and a Special Permit to the Board of Appeals for extension of non-conforming use under section 3.6.2 of the Zoning Bylaw. The applicant filed applications for Special Permits under section 9.3 of the Zoning Bylaw to both the Planning

Board and the Board of Appeals. On January 16, 2015, the applicant requested withdrawal of the Special Permit submitted to the Planning Board under section 9.3.

4. In accordance with the Court Decision, the Applicant must obtain a MCP SP, even if they obtain a Special Permit from the Board of Appeals to extend a non-conforming use and/or a Use Variance(s). Staff recommends to the Board that they require the applicant to provide detailed information relating to all the uses on the site as part of the Board's review process.
5. In April of 2011, the Department of Environmental Quality (DEP) issued a Modified Clean Air Permit. The modified DEP permit was the result of a settlement between the applicants and 47 Chelmsford residents. The DEP permit sets specific conditions including but not limited to:
 - a. Specific emission limits and pollution control devices for 4 different emission causing elements of the project (DEP page 6)
 - b. 60,000 tons of asphalt per month/300,000 tons per 12 month period
 - c. Operational hours of 6:00 a.m. to 7:00 p.m. Monday through Saturday, and not between December 15 and March 15.
 - d. Requirements for noise studies after the plant is operational;
 - e. Requirements for testing of emissions with DEP personnel present 120 days after operational;
 - f. Specific performance measures relating to air quality and monitoring of air quality; and
 - g. Specific equipment and operational procedures.
6. The Court Decision directed the applicants to resubmit a site plan application that addressed four factors, which are:
 - a. Incorporate sound attenuation barriers as recommended by the applicant's acoustical expert;
 - b. Provide that there will be five or more employees at the project;
 - c. Request a variance to operate more than one principal use on the site; and
 - d. Address the issue of the project's power source(s) and show the Board that the power source is only electric or is another power source that is "substantially noiseless and inoffensive".
7. The Decision says that if the applicant submits such revised application, then *"it would appear to this court that the Project would then be permitted as of right as a light manufacturing use at Locus, subject to such conditions as the Board may reasonably require in order to approve Newport's special permit applications."* The Board has discretion to review the SP MCP and the SP WRPOD as allowed by state land use law and the Judge made clear in a hearing on January 6, 2015, that the Court was not ordering the Board to approve these Special Permits.
8. The Board of Appeals is NOT under the court's jurisdiction for the pending applications for Variance and Special Permits.

PROJECT SUMMARY

9. The applicant seeks to construct an asphalt manufacturing facility which is accompanied by an existing materials processing yard and crusher. These facilities are located in the middle of a 115 acre site (approximately 92 acres located in Westford, 23 acres in Chelmsford). The subject site consists of three tax parcels, all owned by the Applicants. Twenty-two (22) acres are developed with a solar array which is leased by the applicant to Nexamp/Carthartes Investments. In 2009 (prior to the construction of the solar array) the applicant stated there

were the following calculations relative to open space (NOTE: this data needs to be updated by the applicant):

- a. 3.75 acres of impervious area
 - b. Open space requirement in IA of 30% or 24.2 acres
 - c. Existing open space = 87.95 acres or 96%.
10. The site is accessed from Groton Road by a private way (Commerce Way) which is proposed to be 22' wide paved road. The applicant provides for a 20-foot emergency access way through an adjacent property (Fletcher Quarry) and onto Groton Road. It is unclear if the emergency access road is proposed as gravel or paved.
11. The asphalt manufacturing facility consists of the following components which are on "skids" which site on top of concrete base (according to 2009 information submitted with the application):
 - a. 12' x 36' Operator Control Center on skids;
 - b. Six 10' x 14' Cold Feed Bins with a loading ramp from the materials yard;
 - c. Conveyor belts between the bins, vibrating screener and the processing unit (Gencor 400);
 - d. 5' x 14' Vibrating screen between the bins and the Gencor 400;
 - e. One proposed and "Future" 10' x 15' Recycled Asphalt Product (RAP) bin adjacent to RAP stockpile and ramp in materials processing yard;
 - f. Gencor 400, a machine that receives the ingredients from conveyor belts, which is controlled remotely and mixes the products together;
 - g. An 86' conveyor belt that takes the mixed product from the Gencor 400 to the silos;
 - h. Four (4) 200-ton silos (68' in height) and two (2) FUTURE silos that allow the hot asphalt to load into trucks that pull underneath where materials load into the trucks from the top;
 - i. Tank Farm with two 30,000 gallon indirect fired Asphalt Cement (AC) vertical tanks with unloading pumps (36 feet in height);
 - j. HYCGO Gencor 100 hot oil heater with expansion tank stand;
 - k. Lawn area, landscaping;
 - l. 3 parking spaces, one handicapped space with ramps and sidewalk with curbing;
 - m. Security fence with four entrance/exit gates;
 - n. Two truck scales near the silos;
 - o. One water well with a water line into the control booth;
 - p. Proposed utilities – natural gas line to provide fuel for the burners in the Gencor 400;
 - q. Site lighting with 20' fixtures around the asphalt manufacturing facility;
 - r. Dumpster;
 - s. Two 31,000 gallon fire cisterns;
 - t. Ground mounted signs including visitor, truck and directional signs;
 - u. Stormwater management facilities such as water quality swales; and
 - v. A 10,000 gallon aboveground storage tank for Number 2 fuel oil [unclear on plans, but indicated in the application].
12. Materials processing area
 - a. RAP stockpile with a "Radial Stacker" (no further detail about this equipment);
 - b. Crushing plant (no further detail about this equipment);
 - c. Entrance driveway and internal gravel driveway;
 - d. Loading ramps and 7-8 stockpile areas;
 - e. Office and storage trailers (no parking area).

13. There are two peer reviewers for the proposed project, James Barnes of Acentech, a sound expert, and Robert Michaud of MDM, a Professional Traffic Engineer. The related scope of work for each is included in the Board's packet for January 21, 2015. The applicant has provided \$13,000 for the Escrow account to pay for these services.

PRELIMINARY LIST OF OUTSTANDING ITEMS

14. Planning Staff and Technical experts are reviewing the voluminous application materials (including the Planning Board's record from 2009) and suggest that the Board require the following additional materials from the applicant at this time and are organized below by application type [NOTE: additional requests may follow pending further review of the materials]:
 - a. Applicant indicated that *"All filings made to the Board associated with the above referenced permits are hereby incorporated by reference into this filing."* (Deschenes, letter January 5, 2015). At a minimum, the applicant should provide a list of the date and nature of the materials to the Town for verification about what is in front of the Board for consideration.
 - b. Plan Set
 - i. Existing conditions plans shall be stamped by a Professional Licensed Surveyor, All plans shall be stamped by the appropriate licensed professional;
 - ii. Existing Conditions Plan shall be updated to show all current uses and structures (such as the twenty-two acre solar farm), shall include legible contour labels, and not include any proposed conditions.
 - iii. Applicant shall incorporate the recorded 2012 Commerce Way Subdivision (Plan Book 233 Plan 133) into the plan set.
 - iv. The proposed "site" is not clearly defined or quantified. Applicant shall calculate the area covered by the proposed development (site plan area) and clearly show the limits of the site plan on the plan;
 - v. Applicant shall include the office building on the site plan because it contains restroom facilities that will be used by the 5 employees on a daily basis;
 - vi. Open space calculations shall be shown on the plan which shall include revised calculations for proposed impervious area of the development, the existing impervious area for the entire site, the amount of proposed open space, and the amount of area to be disturbed;
 - vii. Indicate the location where the foam cart for fire and life safety is to be stored on the plans;
 - viii. Clearly label the proposed 10,000 gallon above ground oil tank for Number 2 Fuel Oil on the plans.
 - ix. Proposed landscaping shall demonstrate compliance with the Zoning Bylaw.
 - x. Remove any references to "hay" bales and use "straw bales or wattles."
 - xi. Remove reference to Board of Selectmen needing to approve sign permits. Applicant shall meet the review standards under Zoning Bylaw section 5.3.
 - xii. Plan set shall consistently show 6" of top soil for all disturbed areas.

- c. Traffic/Transportation –
 - i. Applicant indicates that a revised traffic study is forthcoming. At a minimum it should include traffic data for trips in and out of the entire site plan area 1) materials processing 2) asphalt manufacturing facility and 3) office building if there are any additional users occupying the office building.
 - ii. Applicant indicates it is willing to limit traffic in and out of the site but does not propose a mechanism to do so. Applicant shall propose such mechanism.
 - iii. Emergency Access Easement: applicant shall provide additional information about the proposed easement – who is it intended to benefit, clarify construction width and material (20 feet is the minimum width required by Fire Department); applicant shall demonstrate that the emergency access will accommodate emergency service vehicles (including road construction detail, turning radii and road slope data). Applicant shall prepare a separate easement plan documenting the easement area for both directions.
 - iv. Materials processing driveway – Is applicant required to pave in accordance with DEP permit?
- d. On January 13, 2015, the following request for additional information from the Town's Sound Expert James Barnes was forwarded to the applicants:
 - i. The digital sound model developed and used by CTA to evaluate the project sound without and with the planned barriers, including the newly proposed 8-ft high and 35-ft high sound barriers along the west property line. The files should include the main Cadna/A files (*.cna) and all accessory files (e.g., *.bmp) used to generate the sound level contours, graphics, and results in the CTA 1/2/2015 letter report.
 - ii. Confirm that the modeled sound levels for the proposed project include all noise-producing sources on the site, including the sources listed on LandTech Drawing No. 8915 Sheet SP (dated 12/24/2014) and the crusher plant.
 - iii. Specific information on the proposed sound barriers, including description of materials, surface weight, and octave band sound transmission loss values.
- e. Sound attenuation walls – structural information. Applicant will need a building permit for any wall over 4 feet. Applicant shall provide structural information that the proposed sound attenuation walls are buildable at the location shown on the plans for both the 35' wall and the 8' wall.
- f. Power source information: The applicant indicates that the only power source is for the Gencor 400 is online electric power. Applicant shall clarify how the production facility is powered only by electricity when the DEP permit describes the dryer drum using "dual fuel" natural gas and fuel oil. The plans show installation of a natural gas line (Sheet CP-3) and the application materials indicate a 10,000 gallon No. 2 fuel oil tank.
- g. Applicant shall clarify the intent for the "future bins and future silos" shown on the plan. Is this part of the proposal, and if added, is traffic accounted for? And do these future items increase the production? What is the timing for these features?
- h. Sanitary sewer facilities for the employees. Applicant's 2009 submittals indicate that employees will use the office building at 10 Commerce Way for restroom facilities. In that case, the office building and a path for employees to use the facilities should be part

of the site plan. Sheet CP-3 note 16 indicates “sanitary waste for the proposed control trailer shall be a self contained stabilized waste unit.” Applicant shall obtain the necessary approvals from the Board of Health for such facility.

- i. Applicant shall secure approval from the Board of Health for the proposed well and provide the Board with a narrative indicating the purpose of the well.
- j. Three parking spaces and one handicapped space are inadequate for the proposed number of employees (five).
- k. Applicant shall provide an updated Entrance Driveway Plan. and description provided only by reference (needed for traffic) – is there an updated plan reflecting the changes made since 2010?
- l. Site Plan Review Criteria – applicant shall address the general review standards in Section 9.4.7 of the Zoning Bylaw shown below.

General Review Standards. *Site Plan approval for uses listed in 9.4.1 shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board’s Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:*

- a. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;*
- b. Maximize pedestrian and vehicular safety both on and offsite;*
- c. Minimize obstruction of scenic views from publicly accessible locations;*
- d. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;*
- e. Minimize glare from headlights through plantings or other screening;*
- f. Minimize lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site, with fixture mounting not higher than 20 feet;*
- g. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways;*
- h. Minimize contamination of groundwater from onsite wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.*
- i. Maintain an acceptable level of traffic service, volume and infrastructure which meets the goals of the Master Plan, the Traffic and Pedestrian Safety Manual, and*

Route 110 Master Plan, the Sidewalk Master Plan, and other Town adopted Master Plans.

- j. Encourage alternative methods of transporting people, through public transportation, car pools and van pools, bicycling and walking, rather than near exclusive reliance on single-occupant vehicles.*
- m. Applicant shall address all standards in Special Permit Major Commercial Project Criteria Section 9.3A.4 as shown below,

9.3A.4 Standards.

The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

1. Lighting.

- A. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this Section.*
- B. Light Trespass. Direct light from the light source is to be confined within the property boundaries.*

2. Noise

- A. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.*

3. Landscaping. *To the extent these requirements exceed those set forth in Section 5.0 of this By-law, these requirements shall control:*

- A. **Street Buffer Strip.** Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting.*
- B. **District Buffer Strip.** A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.*
- C. **Large Parking Areas.** Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots.*
- D. **Fencing.** Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.*
- E. **Retaining Walls.** Retaining walls shall be constructed to a maximum height of*

four (4) feet. If site conditions require elevation changes of greater than four (4) feet, retaining walls shall be terraced and landscaped.

- F. **Berms.** *The Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this section.*
- G. **Screened Areas.** *Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other similar uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.*
- H. **Maintenance.** *All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.*

4. **Stormwater Management.**

- A. **Consistency with the Massachusetts Stormwater Management Policy.** *All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.*
- B. **Conservation Commission.** *Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.*

5. **Site Development Standards.**

- A. **Land Disturbance.** *Site/building design shall preserve natural topography, reduce unnecessary land disturbance and preserve natural drainage on the site to the extent possible.*
- B. **Site Design.** *Placement of buildings, structures, or parking facilities shall relate to the site's scenic qualities and shall blend with the natural landscape.*
- C. **Archeological or Historical Resources.** *The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.*
- D. **Preservation of Existing Vegetation.** *Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.*
- E. **Finished Grade.** *Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.*
- F. **Topsoil.** *A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.*

6. Pedestrian and Vehicular Access; Traffic Management

- A. **Access.** To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;
- (1) Access via roadways abutting residential districts shall be avoided where possible.
- (2) Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.
- (3) Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.
- B. **Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic.
- C. **Interior Circulation.** The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.
- D. **Transportation Plan Approval.** The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:
- (1) A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
- (2) A **Transportation Impact And Access Study (TIAS)**, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to Town of Westford Guidelines for Preparation of a Transportation Impact Assessment and the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition¹. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
- (3) Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.
- E. **Level of Service Maintenance or Improvement.**
- The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:
- For newly constructed floor area, LOS "D" or better. For all other projects subject to special permit- present LOS if present level of service is "D" or lower where such

¹ Current edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222

suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

- F. **Dangerous Intersections.** *The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.*
 - G. **Sight Distance.** *Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.*
 - H. **Pedestrian and Bicycle Safety.** *Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:*
 - (1) *All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.*
 - (2) *Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.*
 - (3) *All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.*
 - (4) *The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.*
 - (5) *If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.*
 - H. **Location of Parking Areas.** *Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood.*
 - I. **Traffic Calming Features.** *Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.*
7. **Community Character.**
- A. **Compatibility with Neighborhood.** *The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with abutting properties, natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:*

- (1) harmony in scale, bulk, massing, architectural character, building materials, placement and density;*
- (2) generation of traffic and the capacity of surrounding streets;*
- (3) consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.*

8. Utilities; Security; Emergency Systems

Projects may not overburden Town infrastructure services including water, gas, electricity and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

- A. Wastewater Treatment and Disposal.** *The Planning Board shall require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Westford Board of Health.*
- B. Water.** *There shall be a report from the Water Department confirming that there shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.*
- C. Site Security.** *There shall be a certification by the Police Chief or their designee that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief or their designee.*
- D. Underground.** *All electrical, cable and telecommunications services shall be installed underground.*
- E. Fire Alarm System.** *There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief or their designee.*

9. Fiscal Analysis.

The proposed development should not place more demand on public services than it generates in tax revenue, or overburden the Town's utilities and infrastructure. The fiscal assessment will also consider how the proposed development would generate an additional need for, or affect the availability of affordable housing (and schools).

- n. Applicant shall address all standards for Special Permit for Water Protection Overlay District in Section 8.1.9.2. and 8.1.10 as shown below.
 - 2. *A narrative statement detailing all of the information set forth below, if applicable:*
 - a. *A complete list of all chemicals, pesticides, fuels, or other potentially hazardous materials, including but not limited to road salt or de-icing chemicals, manure, and fertilizers or soil conditioners, to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of*

the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

- b. A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.*
- c. For underground or aboveground storage of hazardous materials, certification by a Registered Professional Engineer that such storage facilities or containers are (i) in compliance with all applicable federal or state regulations, (ii) in compliance with design specifications, as prepared by a Registered Professional Engineer, and (iii) are designed with secondary containment adequate to contain a spill the size of the container's total storage capacity.*
- d. For any proposed activity on a lot which will render more than 15 percent of the total lot area or more than 2,500 sq. ft. impervious, a system for groundwater recharge must be provided that does not degrade groundwater quality, by stormwater infiltration basins or similar system covered with natural vegetation. Dry wells shall be used only where other methods are infeasible. Such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.*
- e. For stockpiling or disposal of snow from outside the district, earth removal, storage of sludge or septage, manure storage, treatment works, and/or discharge or process wastewater, a narrative statement, prepared by a Registered Professional Engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises, and on any wellfield(s) downgradient from the proposed activity or use, accompanied by a description of the measures proposed to protect such wellfields.*

8.1.10 Special Permit Criteria.

Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated herein, that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

- o. Applicant shall provide all data and information needed to address the Planning Board's Rules and Regulations for Stormwater Management adopted on November 5, 2012.**

NEXT STEPS

- 15. After the Board opens the public hearing, staff recommends that the Town's legal counsel provide an overview of the court's Decision and describe what is in front of the Board for review. Then the applicant should give a detailed presentation of the project. After the Board and public offer initial comments, staff suggests that the Board clarify the anticipated future hearing schedule and continue the hearing to a certain date, time and place.**
- 16. Staff recommends that the Board schedule a site visit to view the existing conditions of the subject property.**

17. Any revision or changes to the entrance driveway configuration will require notice to the Westford Conservation Commission due to the proximity of wetlands.

cc: Douglas Deschenes, Esquire
Board of Appeals
Peer Reviewers
Technical Review staff
Jonathan Silverstein, Esquire